

Express Mailing Label No.
Date of Deposit: April 22, 2002

#11878
4/24/02
Attorney Docket No: 21415-501



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Sarah Ferber

SERIAL NUMBER: 09/584,216

EXAMINER: Voitach, Joseph T.

FILING DATE: May 31, 2000

ART UNIT: 1632

FOR: METHODS OF INDUCING REGULATED PANCREATIC HORMONE
PRODUCTION IN NON-PANCREATIC ISLET TISSUES

April 22, 2002
Boston, Massachusetts

Commissioner of Patents
Washington, D.C. 20231

RECEIVED
APR 29 2002
TECH CENTER 1600/2000
RECEIVED
APR 22 2002
TECH CENTER

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement mailed March 20, 2002, Applicants elect the invention of Group I, claims 1-17 and 24-32, drawn to a method for inducing pancreatic hormone production in a subject by providing a compound which increases PDX expression or activity. In response to the three species elections, Applicants elect the following species as follows: (1) in response to the election species of nucleic acid, Applicants elect a nucleic acid which increases the expression of a nucleic acid that encodes PDX polypeptide; (2) in response to the election of species for hormone induced, Applicants elect insulin; and (3) in response to the election of species of one route of delivery, Applicants elect intravenous. During a telephone conversation with the Examiner on April 22, 2002, the Examiner noted that the species defined in the Office Action for route of delivery were incorrect. The correct members of the species are intraperitoneal, subcutaneous, nasal, intravenous, oral and transdermal, rather than microinjection, direct injection and intravascular injection as stated on page 3 of the Office Action.

Applicants make this election without prejudice to pursuing non-elected subject matter in later applications.

The response is due on or before April 22, 2002 (April 20, 2002 being a Saturday). The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 21415-501).

Respectfully submitted,



Ivor R. Elrifi, Reg. No. 39,529
Cynthia Kozakiewicz, Reg. No. 42,764
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.
One Financial Center
Boston, Massachusetts 02111
Tel.: (617) 542 6000
Fax: (617) 542-2241